ces.

(2-K)

RAL AND REVENUE SECRETARIAT.

Serial Nos. 1—6

Precis for ~~Part~~ B for August 1892

SUBJECT.

Sale of chikka of Gandanhalli, Nagamangala ~~Taluk~~ [illegible] Taluk.

WD 2288—GPB—20,000—14-6-20

Coutlerne
Mr
Indm

Appeal No. of 1892-3

Appellant — Chokka
residing in Gara-
-danahally Village
Rayamangala
Taluq.

vs

Respondent. Ramaiah
of the same
Village.

Price of the Suit paper.

On 22nd April 1890 suit
of the 5th South Khate-
-dars of the survey no.
28 in the Village four
assigned their portion
and in the Rayenama
the Shanbogue remarked
that (the Plaintiffs) Rama-
-maiah of the Farm refusing
38 guntas declined either
to assign his portion or
take up the whole Farm
& entered the Kaumi-
Jasti book for (1890-91)
Vibhuti - The Amildar
ordered in the said book
that as the Plaintiffs
declined to take up the
assigned

area
a g. assessment
2-28 2-4-0

Even did not want his portion.
portion and one Chittia
of the Village consented
at the time of the recom-
mission to take up the whole five Numbers
the latter's Fees on the receipts.

Thereupon Narcisse Kanawa 17.1.91
Tsimmala petitioned the
Commissioner that on his
Father's Death last Summer
he was left by his Father
entitled by him and
entered by him and
others, dead that on the
resignation of the Commissioner
Khakewas, he was offered
their portions, that he
requested that his portion
alone might be withheld
given to him, that in
the meanwhile one Chittia
of the Village having
Consented to take up the
whole Number that was
given to him, & that
he was under the impression
that the rule allowed
the grantee retention
to him of his portion
separately withheld &
prayed that the whole
Number might be
given to them

The Com. Indian 27.1.91

Called

2

3

called for the accounts and the Amildar submitted them.

3-2-91 Thereupon the Sub-Dn Officer ordered that the petitioner having at the time of the occupation of by the others asked that his portion might be separately phoded off given him, the ~~Ground~~ Request could be granted if he & ten holders of the whole number consented.

16-2-91 The Amildar asked the Petitioner for the statement of the holder of Vadakkil Chittira who on the

15-3-91 15th March deposed that as Tirumala declined to take up the land when offered by the Amildar, & he could not part with it, having spent Rs 20/- on it.

16-3-91 Sheldon submitted the above statement of the Amildar.

26-4-91 Tirumala again petitioned the Sub. Dn Officer who

30-4-91 forwarded the Amildar for report

4

The mudiyan informed 4-5-91
Ra the petitioner that
the land could not be
restored & him as
Valakkai chikka
did not consent
and submitted the
papers to the Land
Officer & reported that
the matter had been
already disposed of.
Isinnala appealed 7-11-91
to the D.C. Colombo, who
called for the record. 28-11-91
& the Sub. D.C. seen
submitted them. 16-1-92

Isinnala deposed before 7-4-92
the D.C. that he
was prepared to take up
his note number should
Chikka pay him it.

The D.C. Comm. after
a perusal of the records
passed the following order:— 7-6-92
"Land No. 25 in Gurudama-
-kalle Rajamangala
Talug was claimed in
the name of 5 persons
jointly, the appellant
(Isinnala) held 38 pandis
being the largest share. The
other four shares received
their holdings. Appellant
deposed & take them again
up his share - In the Talug

Jamabandy however
the Amildar has remark
that appellant consent
to give up his share and
accept the whole land from
given to Respondent.
but as his consent has
not been received and
as the appellant protest
against it's truth and
had appealed against
the Amildars' order
to the 1st Jamabandy
Officer, I am unable to
attach any credit to
the Amildars remark.
The order of the Amildar
was not formally
placed before the 1st
Jamabandy Officer.
The 2nd. Jamabandy Officer
remarked on the appellants
petition that the appellants
share could be treated
as a separate sub-num-
-ber only if the land had
been divided and that
if the present holder
agreed, the appellants'
share might be
entered to him. This
was passed in Feb 1891
and the Amildar

Vide

both some delay and can give an explanation in May 1891 Defendant saying Petition should not be confirmed Plaintiff as the Petitioners would not agree. He then preceded the appeal under Execution in Dec. 1891. The petition has not been presented in time. But pet deems D have been unable D file it earlier and the periods of appeal in such cases are still unknown D pet, I think it desirable D treat these cases of delay with consideration. Pet alleges resignation by the appellant of his share being dis- credited for reasons explained above, the case of the Amlokar is inconsistent with Rec. Rule No. XXVI.

Proceeds of the Sale-Pn Officer also is enclosed

The

41

The parties are admitting
enjoying separate
shares though it is not
clear where such
shares are recorded in
the Register of Kalay.
In such a case the
relinquishment should
be refused till the
divisions are effected.
The amilan was not
competent to compel
the appellant to give
up his share & obtain
mesne profits. For these reasons
the share of the appellants
should be confirmed
to him, the respondents
keeping the remainder.
If he later refuse,
the appellant is willing
willing to take mesne profits
number. The land to
be registered in the
names of the appellants
& respondents jointly.

Civil appeals
after the above order

S. M. B.

8/12/92.

N/

In the Court of the
Appeal No = of 1892-3

Appellant — Chikka Veera
Ex Gowdanahally
Nagenungala
Taluq.

vs

Respondent. Tirumala
of the same
Village.

Memo

Survey No. 28 measuring
a. R. a
2 - 28 ✓ assessed at 2-4
was in the village of
Gowdanahally was in
the joint khata of 5
holders. Four of them
resigned in April 1891
the fifth, the Respondent
was asked to resign
his portion also or take
up the whole number.
He declined to do either.
The Amildar during
the Taluq Jamabandy
remarked that the Re-
-spondent Consented to give
up his share also / declined
to

The recommendation of the District Land Board granted the Appellant.

The Respondent appealed to the Land Appeal Board sitting to take up the whole matter. That Board ordered that if the Appellant contended the Respondent's prayer could be granted, and an endorsement was granted to the Respondent to the Land on 4-5-91 stating that his prayer could not be granted as the Appellant did not consent to part with the land.

On 4-11-91 the Respondent appealed to the Lands Commissioner ~~allowed~~ on 7-4-92 ~~allowed~~ Confirmed the Respondent his share.

This appeal is against the above order:

The Appellant contends that:

(1) The ~~Appeal~~ Respondent's Appeal to the Lands Commissioner was

* Shankar Respondents

was barred by limitation

(2) The Dy. Comm's Judgment that the land contains valuable trees is after the fact.

(3) The Respondent has conceded Willingness his portion -

(4) That even Mr Rau may be no need to this effect the statement of the amount the Amildar should be credited.

(5) That he has spent a large sum in improving the land.

The documents produced are :-

(a) The Razeenama

(b) Kaumi Jaati list.

The Dy. Comm's reasons are :—

1. The Amildar's remark that the Respondent conceded to give up his share is not true as by records and cannot be credited.

ii That the Amendment Petition was not inconsistent with the Rules Rule XVI.

iii That the Ext. Pg Officers Order was incorrect

iv The Amendment was not Competent to Compel the Respondents Officer to sign his Share certificate Number endorsed;

v The Rules of Appeal in such Cases being Continuous & the Parties, it is desirable That no such delays will occur in

6/12/92.

7/12/92

Fine a day in my appointment

Dismissed by 20.7.93

8/12

Posted for hearing on 11th May 1893.

Case 9th [illegible]

Case 2nd [illegible]

agreed to 20th July 1893.

(1)

A. S. No 42

92-93.

L.R. 115—91—1

(1). Stamp Correct

(2). Copy of order produced

3) Appeal in time.

(4). Rule I Cl. 11

Call for Proof.
With Report.

R.O

14/6/92

(1a)

In the Court of the Deputy Commissioner
Mayurbhanj District

Revenue Appeal Case No. 23 of 1891-92

Appellant
//
Thumalu
of Nagamangala

vs

Respondent
//
Chiefs of the
village

This is an Appeal against order No. 132 dated 11th Feb. 92 issued by the French Rocks Sub Division officer declining to cancel the grant of this portion in

in land by which was reserved to govern-
ment on resumption of Pajemanu by the
remaining joint Khatedars, and on the
refusal of the appellant to take up
the whole number which was given to
the Respondent who agreed to take it up.

Grounds for appeal

1 That five persons are joint Khatedars of
this land including the appellant.

2 That four of them having resigned
their portions, the appellant requested
the Amildar to resume only their
portions as he was not able to take
the whole number for cultivation,

3 That the Amildar, without doing
so as was being done in the Hasson
District, resumed the whole number
and granted it to Respondent though he
he had not sent any written application

to

the Taluk

16

That immediately after he came to know through the Amildar that the rule did not allow him to retain his portion the appellant asked him (Amildar) to grant the stay which was not complied with.

That the land continued remained thus. The Amildar without selling the land as per rules, has granted it to the Respondent for nothing.

Land Rs 38 order in Gundana Taly

Nagamangala Taluk was registered in the name of 5 persons jointly. The appellant held 38 guntas being the largest share, the other 4 shares resigned their holdings, appellant refused to take them & to give up his share. In the Taluk Panchayat Amildar has remarked that appellant

MHM

consented to give up his share and ordered the whole land to be given to respondent, but as his consent was not given according, and as the appellant proceeded against it in time and appealed against ex-mildas order to the District Commissioner, I am unable to attach any credit to the ex-mildas remark. The order of the ex-mildas was not formally placed before the District Commissioner. The Sub-Division officer, in marking on appellant's petition that the appellant's share could be treated as a separate holding only if the land had been divided and that if the present holder agreed, the appellant should be returned to him. This was passed on to the ex-mildas and the ex-mildas took some steps and then gave an order which may go to appellant saying that his share could not be confirmed to

to him as the Respondent would not agree. He therefore treated the appeal under consideration in December 1924. Petition has not been presented in time. Petitioner seems to have been unable to file it earlier, as the periods of appeal in such cases are still unknown to him. I think it desirable to treat this case as if delay with consideration. ~~of privilege~~

The alleged ~~ordinance~~ by the Assistant of the Chief being disputed for reasons explained above, the order of the Guild's discontinuing with Revenue Rule 12 XXVI. The order of the Sub Division officer is also incorrect. The parties are admittedly enjoying declared shares, though it is not clear whether such shares are recorded in the Register of Shares. In such a case the relinquishment should be refused till the Division is effected. The Guild's

was not competent to compel the applicant to give up his share to bring the whole number under one, under the Act, the share of the applicant should be conveyed to him, the Respondent paying the remainder of the latter, upon the applicant is willing to take the whole number. The land should be registered in the name of the applicant and Respondent jointly

7th applicant } (Sd) A Rangaswamy Iyengar
Deputy Commissioner
Mysore District

(Copy).
M/s Krishnaiengar
Parthasarathidas.

Deputy Commissioner's Office
Mysore District

Compared.
MS.

Copy applied for 2-4-22
Copy ready 2-4-22
Copy delivered 4-22

DEPUTY COMMISSIONER'S OFFICE MYSORE DISTRICT

Copying fee 0-10-6
Comparing fee 0-2-4
Carried 0-1-2
4-14-6

Yshawantha Rao
Copyist

(1)

No 137 (2)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

L.R. 115-91-2

OFFICIAL MEMORANDUM.

The accompanying Petition No. 871

dated 6th June 92 received at the Dewan's Office from Calitta ... in Gauribidanur, Nagamangala Taluk praying that ... S. No 28 in the said village may be confirmed to him.

is forwarded, together with its two enclosures, to the Deputy Commr Mysore Dist for submission of Report and report on the facts of the case and on the grounds taken in the petition.

2 He is by Khandsale tenure

By Order,

Draft

Chief Secretary.

Bangalore, 28 June 1892

Draft issued

(General Serial No. 30.)

3466-

1892. Pet 167

From

The Deputy Commissioner Nilgiris Nilgiris.

L.R. 115-91-3

To

The Chief Secretary to the Govt. of Madras.

Dated

Despatched 24th September 1892.

Received

Enclosures No. Petition with 2 enclosures and Canarese Jdt.

General No.

No. 591

Submitting as called for the proceedings connected with the petition of Chicka & Gundana Halli, Nagamangala Taluk.

Petr. per K Rao
for previous proceedings
Letter 3 Oct 92
DMP

15/10/92

Deputy Commissioner's Office
Mysore District

No 8/1 In petition with its 2 enc. filed.

Dated Mysore 24th September 1892.

(3)

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From

The Deputy Commissioner
Mysore District

To,

The Chief Secretary to the Govt
of Mysore
Bangalore

Sir,

With reference to your official Memo No 12[illegible] dated 26th June last, forwarding for submission of proceedings & report, petition of Chikka residing in Gundanahally, Yajamangalatalak & praying the favor to submit herein the proceedings called for, and to state that the facts in the case will appear from the judgment passed in the case.

The petition received with the above with its two enclosures are herewith submitted.

I have the honor to be
Sir,
Your most obedt Servt

Deputy Commissioner
Mysore District.

Compd
MM

(General Serial No. 32.)

1893.

No. 1852

Name of Petitioner. Chikka

Village. Garudanhalli

Taluk. Nagamangla

District. Mysore

Date of Arzi. 17/1/93

Date of Receipt. 20/1/93.

Date of Disposal.

No. of Enclosures.

ABSTRACT.

On 6th June last, Petitioner filed an appeal against the Dy Comm's order concerning a certain land. The Respondent Linumale says that the appeal was decided in his favour and that the disputed land should be given to him.

Petitioner prays that he may be informed of the decision if the appeal is decided, and that, if not, the Dy Comm's order may be set-aside early.

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

1852R

20/1/93

[illegible]

Before the Government of *His Highness* the Maharaja of Mysore.

(7)

Appeal No. 42 of 1892-93

Appellant.	Vs.	Respondent.
Chikka, residing in Gaundanahally, Nagamangla Taluk		Timmaiah

R. R. 115-91-5

Decision. 20-7-93

Respondent is the holder of a portion measuring 38 guntas out of Survey No. 28 at Gaundanahalli. On April 1890 the holders of the other portions of that number relinquished their shares, but the Respondent when questioned by ~~the~~ the Shanbhog stated that he would neither give up his share nor take up the shares relinquished. The Shanbhog reported this in the Kanni Jamabandi Book, whereupon the Amildar at the Taluk Jamabandi in September 1890, gave the entire land to the Appellant on the ground that Respond-

~~had paid~~ he did not want ~~to~~ his share. In January 1891, the 29
Respondent appealed to the Sub-Division Officer against the grant of the entire land including his share, to Appellant. The Sub-Division Officer ordered that the Respondent's share ought be ~~subdivided~~ and reserved to him, of Appellant also was the holder of the entire number, consented to that course. The Appellant declined to give his consent, whereupon the Arbitrator informed the Respondent, in June, 1891 that his share could not be restored to him. In December 1891, the Respondent appealed to the Deputy Commissioner, who, in the absence of any record to show that Respondent gave up his share, held that the Arbitrator's remark in the Kamuni Jirati Patti was not entitled to weight, that the Arbitrator was not competent to compel Respondent to give up his share or to bring the schedule up under roster and that the orders passed

passed by the Assistant and Sub-Division Officer could not be upheld ~~the decision appealed against~~ Rule XXVI. The Deputy Commissioner accordingly ordered that the share of the Respondent be confirmed to him and that the land be registered in the names of Appellants and Respondent jointly. The appellant has appealed against this order. There is no evidence on the Respondent's behalf / disputing the claim as put forward in the Survey petition. It therefore was only necessary for him to prove / his case in order to succeed in the Court below, / as provided by Rule XXVI of the Rules framed under Section 4 of Act I of 1879. The alleged and disputed land is denied by Appellant, and, under the circumstances, the onus of proving / his case lies on him. He must prove his right / by legal evidence, and this he has failed to do.

The land thus held
is restored to the Respondent
who should be treated as
a Sole Pt.

29/1

S.V. P.J.

[redacted] Proceedings [illegible]

№ 2405 dt 29/7/93.
A.F. 24-93 8/8/93.

31

[illegible]

[illegible]

[illegible]

811

No. 42.

Endorsed 8/8/93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

4/8/1893

Endorsement granted to Cutchi of Jamiandalli in the Nagamangala Taluk

L.R. 115-91-6

in reply to his Petition Registered No. 42 of ~~dated~~ for a Mandamus against the Amildar of Nagamangala informing him that the Cutchi of Jamiandalli in Nagamangala Taluk is entitled to the same rights and privileges as the Hindus in the matter of the appointment of Patels

Petitioner is informed that his appeal is ~~rejected~~ forwarded to the Court desired if he desires a writ of Mandamus is required in a Civil Court

"By Order"

Draft Concluded

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.